



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Navajo Regional Office
P.O. Box 1060
Gallup, New Mexico 87301

JUL 23 2018

IN REPLY REFER TO:
Office of Regional Director, Navajo

Mike W. Makerov
BNSF Railway Company
740 E. Carnegie Drive
San Bernardino, CA 92408

Dear Mr. Makerov:

This is in response to the February 27, 2018 letter from Arcadis U.S., Inc. (Arcadis), sent on behalf of BNSF Railway Company (BNSF), requesting permission to access the Southeast portion of Section 13, T13N, R11W, to implement Time Critical Removal Action (TCRA) activities. The TCRA activities will be conducted in accordance with the Administrative Settlement Agreement and Order on Consent for Removal Action (AOC; Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA] Docket No. 09-017-02 and Docket No. 06-02-17), executed between the US Environmental Protection Agency (USEPA) and BNSF. The BIA also acknowledges that BNSF is a "potentially responsible party" (PRP) for the Haystack Mines Site, and that the USEPA will oversee the TCRA activities by BNSF and their contractors.

Permission is hereby granted to BNSF and its representatives, contractors, and subcontractors to access the P.L.O 2198 lands in the SE/4 of Section 13, T13N, R11W, in order to implement the TCRA activities. In addition, permission is hereby granted to USEPA to access the P.L.O. 2198 lands in the SE/4 of Section 13, T13N, R11W, in order to oversee and implement the TCRA activities. Additionally, there is to be no collection or taking of any cultural resources or biological resources.

Please provide this office with copies of the final Removal Completion Report.

If you have any further questions regarding this matter, please contact Mr. Harold Brien, Deputy Regional Director, Indian Services, at (505) 863-8314.

Sincerely,

Regional Director, Navajo

cc: Ken Rhame, USEPA (via email)
Maher Zein, Arcadis (via email)